PART III.

UNREPEALED REGULATIONS MADE UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT. CH. 3)—SINCE REPEALED BY THE GOVERNMENT OF INDIA ACT, 1915 (5 AND 6, GEO. 5, CH. 61)—IN FORCE IN THE STATE OF MADRAS.

REGULATION No. I OF 1909.

[THE NUGUR, ALBAKA AND CHERLA LAWS AND CESSES REGULATION, 1909.]

[*1st July 1909.*]

A Regulation to declare the law in force in the Taluqas of Nugur, Albaka and Cherla and to authorize the levy of certain cesses therein and in the Bhadrachalam Taluq.

WHEREAS the taluqas of Nugur, Albaka and Cherla have, in pursuance of Proclamation No. 545, dated the 15th April 1909, issued by the Governor-General in Council under section 4 of the Government of India Act, 1865, with effect from the first day of July 1909, ceased to be subject to the Chief Commissionership of the Central Provinces and become subject to the Government of Madras ;

28 and 29 Vict., c. 17.

AND WHEREAS it is expedient that the law in force in the territory comprised in the said taluqas should, as far as possible, be the same as the law in force in the taluq of Bhadrachalam in the Godavari district of the Madras Presidency ;

AND WHEREAS it is also expedient to provide for the cost of maintaining roads and schools in the said taluqas and in the said taluq of Bhadrachalam ;

It is hereby enacted as follows :—

Short title

1. This Regulation may be called the Nugur, Albaka and Cherla Laws and Cesses Regulation, 1909.

Laws to be in force.

2. (1) Save as provided in sub-section (2), all enactments and all notifications, orders, schemes, rules, forms, and bye-laws issued, made or prescribed under enactments which immediately before the commencement of this Regulation were in force in the taluq of Bhadrachalam in the Godavari district of the Madras Presidency and not in force in the taluqas of Nugur, Albaka and Cherla (hereinafter referred to as the said taluqas), shall come into force in the said taluqas on the commencement of this Regulation.

(2) Nothing in sub-section (1) shall be deemed to affect the following Acts of the Madras Council, namely :—

(*a*) the Madras Revenue Recovery Act, 1864 ;

(*b*) the Madras Hereditary Village Offices Act, 1895 ; and

(*c*) the Madras Estates Land Act, 1908.

Mad. Act II of 1864.
Mad. Act III of 1895.
Mad. Act I of 1908.

Repeal of laws.

3. (1) Save as provided in sub-section (2), all enactments which immediately before the commencement of this Regulation were in force in the said taluqas and not in force in the said taluk of Bhadrachalam shall be deemed to be repealed on and from the commencement of this Regulation in the said taluqas.

(2) Nothing in sub-section (1) shall be deemed to affect the following enactments, namely :—

(*a*) the Central Provinces Land-revenue Act, 1881 ;

(*b*) the Central Provinces Local Self-government Act, 1883, section 41, sub-section (1) ;

(*c*) the Agriculturists' Loans Act, 1884, sections 1, 4, 5 and 6 ; and

(*d*) the Central Provinces Tenancy Act, 1898 :

Central Act XVIII of 1881.
Central Act I of 1883.
Central Act XII of 1884.
Central Act XI of 1898.

Provided that the Central Provinces Land-revenue Act, 1881, and the Central Provinces Tenancy Act, 1898, shall henceforth be construed in the said taluqas subject to the following modifications, namely :—

(*a*) the powers, duties and functions assigned to the [1][State Government] of the Central Provinces by either of the said Acts or the rules made thereunder shall vest in the [2][State Government of Madras] and [3][* * * *] all such powers, duties and functions may be exercised, discharged and executed by the said [4][State Government] as [5][they] may think fit, or may be delegated by [6][them] to any subordinate officer, subject to such limitations as [5][they] may think fit ;

---

[1] The words "Provincial Government" were substituted for the words "Chief Commissioner" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[2] The words "Provincial Government" were substituted for the words "Governor of Fort St. George in Council" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

[3] The words "notwithstanding any provision therein subjecting such exercise, discharge or execution to the control, sanction or confirmation of the Governor-General in Council" were omitted by the Adaptation Order of 1937.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[5] This word was substituted for the word "he" by the Adaptation Order of 1937.

[6] This word was substituted for the word "him" by *ibid.*

(*b*) appeals shall lie from the decrees or orders passed by any Court or officer under the provisions of the said Acts to such Courts or authorities and subject to such conditions as the [1][State Government of Madras] may by rules prescribe.

Levy of certain cesses.

4. (1) The [1][State Government of Madras] may, by notification in the [2][Official Gazette]—

(*a*) direct the levy of cesses on occupied lands in the said taluqas and in the said taluq of Bhadrachalam which shall constitute a fund or funds for the maintenance therein of roads and schools ;

(*b*) prescribe by whom, at what rates, in what instalments and at what times such cesses shall be payable and make rules for their assessment and collection, and for the administration of the fund or funds so formed ; and

(*c*) exempt any land from liability to pay the whole or any part of either of such cesses.

(2) Any cess levied under this section shall be recoverable as if it were an arrear of land-revenue :

Provided that the cesses levied under this section shall not in the aggregate exceed the tax which would be leviable on the same land under the Madras Local Boards Act, 1884,[3] if that Act were in force :

Mad. Act V of 1884.

Provided also that no cess shall be levied under this section on any land for any period for which any cess is levied on the same land for the same purpose under the provision of any settlement-record or any tax is levied on the same land under the Madras Local Boards Act, 1884.[3]

Mad. Act V of 1884.

Pending proceedings.

5. All proceedings pending at the commencement of this Regulation before any authority in the said taluqas shall be disposed of by such authority as the [1][State Government of Madras] may direct, and, save as aforesaid, shall be carried on as if this Regulation had not been passed.

---

[1] The words "Provincial Government" were substituted for the words "Governor of Fort St. George in Council" by the Adaptation Order of 1937 and the word "State" was substituted for the word "Provincial" by the Adaptation Order of 1950.

[2] These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

[3] Repealed. *See* now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).